

**Environment, Safety, and Health Compliance
Alternative III (FEB 2008)**

NOTE: All work must be performed in accordance with the ISM DEAR 970.5223-1 clause, 10 CFR 851, and all applicable federal regulations and site-specific requirements.

The Seller shall take all reasonable precautions in the performance of the work under this contract to protect the environment, safety, and health of employees and members of the public. Babcock & Wilcox Technical Services, LLC (B&W Y-12) shall notify the Seller, in writing, of any noncompliance with the provisions of this Clause. After receipt of such notice, the Seller shall immediately take corrective action. In the event that the Seller fails to comply with said regulations and requirements, B&W Y-12 may, without prejudice to any other legal or contractual rights of B&W Y-12, issue an order stopping all or any part of the work; thereafter, a start order for resumption of the work may be issued at the discretion of B&W Y-12. The Seller shall make no claim for an extension of time or for compensation or damages by reason of, or connection with, such work stoppage.

Seller must ensure that legal, contractual, and technical requirements are flowed down to lower tier subcontractors. These include, but are not limited to, Stop Work Authority and Integrated Safety Management (ISM) DOE Acquisition Regulation (DEAR) clause. Subcontractors shall comply with the applicable safety and health requirements for their covered workplace as referenced in 10 CFR 851.23, *Safety and Health Standards*. The Supplier/Seller shall participate in critiques and in investigations (Types A and B), as appropriate.

Seller shall establish a medical program that provides first aid treatment, when necessary. Upon request, the seller must provide B&W Y-12 with the company's principal medical provider.

The Seller shall possess and maintain an internal corporate ES&H plan that implements the OSHA requirements applicable to the normal course of the Seller's business. B&W Y-12 reserves the right to request and review the Seller's ES&H plan and associated documentation at any time. The ES&H plan shall meet the following minimum requirements:

1. Management policies that provide for clear goals, responsibilities, authority, and accountability for meeting loss control objectives;
2. Implementation of applicable bcal, state, federal, environment, safety and health requirements that are relevant to the statement of work;
3. Employee guidance on internal engineering controls, precautions, and requirements on PPE to

minimize, control and/or prevent employee exposure to include equipment/property loss;

4. Task-level hazard analysis with control measures using a hazard control hierarchy that provides for safe work practices and employee training; and
5. Hazard Communication Program. (Copies of MSDS shall be provided to the Subcontract Technical Representative (STR) prior to bringing any chemical onsite. In addition, the Seller shall provide to the STR a current inventory on a monthly basis for chemicals stored on site for thirty (30) or more days per EPCRA/CERCLA. All chemicals stored on site shall follow NFPA storage guidelines.)

Environmental Compliance—The Seller shall comply with all applicable environmental protection laws, executive orders, ordinances, regulations, directives, and codes. Upon request, the Seller shall submit an ECP outlining the methods proposed to address the environmental requirements specified in the statement of work. The ECP shall specify the person responsible for ensuring the requirements are met.

Site Reporting Requirements—The supplier/seller shall report to the STR all site incidents (i.e., injuries, illnesses, fires, spills, near misses, property or equipment loss, etc.) for proper investigation and disposition. Report serious events requiring immediate response to the PSS (865-574-7172).

Worker Safety and Health Plan—Unless otherwise specified in the contract document, B&W Y-12 subcontractors working on-site will work under B&W Y-12's approved Worker Safety and Health program. The contract between B&W Y-12 and the subcontractor will contain specific contract scope, applicable worker safety and health requirements, and other terms and conditions.

When a B&W Y-12 subcontractor chooses not to work under the B&W Y-12's approved Worker Safety and Health Program and the applicable work scope requires a Worker Safety and Health Program per 10 CFR 851, the following actions must be performed prior to work starting on-site:

- B&W Y-12 subcontractor submits a Worker Safety and Health Program, as defined in 10 CFR 851, to B&W Y-12 for approval.
- B&W Y-12 representatives review, recommend approval, and provide the document to NNSA YSO.
- NNSA YSO reviews and approves the B&W Subcontractor Worker Safety and Health Program.

(End of clause.)